



1 I make the following FINDINGS - that the Defendant
2 understands:

- 3 1. the right to persist in a plea of "not guilty";
- 4 2. the right to a speedy and public trial;
- 5 3. the right to be tried by a jury, or the ability to
6 waive that right and have a judge try the case without
7 a jury;
- 8 4. the right to the assistance of counsel at trial;
- 9 5. that, at trial, there would be the right to confront
10 and cross-examine the witnesses against the Defendant;
- 11 6. that, at trial, there is the right to present a
12 defense, and the right to have witnesses subpoenaed to
13 testify on the Defendant's behalf;
- 14 7. that, at trial, the Defendant would have the right
15 against compelled self-incrimination;
- 16 8. the nature of the charge filed in this case;
- 17 9. the maximum possible sentence that could be imposed
18 (including imprisonment, fine, term of supervised
19 release, and mandatory special assessment), the effect
20 of a supervised release term, and that the sentencing
21 guidelines are only advisory so that the Court may
22 sentence Defendant up to the statutory maximum;
- 23 10. the terms of the plea agreement;

24 I further find that:

- 25 11. that Defendant's plea of guilty is made knowingly and
26 voluntarily;
- 27 12. the Defendant is competent to enter a plea; and
- 28 13. there is a factual basis for Defendant's plea.

1 I therefore RECOMMEND that the District Judge accept the
2 Defendant's plea of guilty.

3 The sentencing hearing will be before United States District
4 Judge M. James Lorenz, on October 20, 2008, at 8:30 a.m..

5 Objections to these Findings and Recommendation must be
6 filed within 14 days of the date of this order.

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9 Dated: 8/5/08



10 Honorable Peter C. Lewis
11 United States Magistrate Judge

12 Copies to:

13 Hon. M. James Lorenz
14 United States Attorney

15 Robert A. Garcia
16 Counsel for Defendant

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